

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 13-18, 26 and 27 will be canceled without prejudice or disclaimer of the subject matter recited therein whereby claims 13-19, 21, 23, 26 and 27 will be canceled claims; and claims 4, 6, 7, 20, 22 and 25 will be amended. Claims 1-12, 20, 22, 24, 25 and 28-33 are pending, with claims 1, 5, 25 and 32 independent claims.

Entry of this amendment after final rejection is appropriate in that it amends the claims to include allowable subject matter noted in the Final Office Action. For example, the claims have been amended to delete preventive and bacteria having a genetically homologous drug efflux pump to *Pseudomonas aeruginosa*. Method claims 7, 22 and 25 have been amended to italicize *Pseudomonas aeruginosa* and composition claims 4, 6 and 20 have been amended to be directed to compositions for treatment of infection. In this regard, Applicants express appreciation for the brief telephone call with the Examiner on September 6, 2005 wherein the Examiner generally indicated that amendment of the claims to broadly recite treatment of infection should be acceptable. The Examiner indicated that he did not have time to review the application and would review the amendment when submitted.

Accordingly, this amendment seeks to advance prosecution of the application by amending the claims to be directed to indicated allowable subject matter, and should be entered in accordance with this indicated allowable subject matter.

Reconsideration and allowance of the application are respectfully requested.

Request For Confirmation Of Consideration Of Information Disclosure Statements

The Examiner has not confirmed consideration of the Second Supplemental Information Disclosure Statement, filed April 15, 2004, and the Third Supplemental Information Disclosure Statement, filed May 5, 2004. Therefore, Applicants request that the Examiner confirm consideration of these disclosure statements in the next communication from the Patent and Trademark Office by including initialed copies of the Forms PTO-1449 submitted therewith.

If any additional information is needed for the Examiner to confirm consideration of the Information Disclosure Statements, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Response To Allowable Subject Matter And Rejections

Applicants express appreciation for the indication that claims 1-3, 5 and 28-33 are allowed. Moreover, Applicants express appreciation for the indication that that allowable subject matter includes, amongst other allowable subject matter, the therapeutic treatment of a microbial infection due to *Pseudomonas aeruginosa*.

By the amendment herein, the claims have been amended to be directed to what appears to be allowable subject matter from the comments made in the Final Office Action. Moreover, composition claims 4, 6 and 20 have been amended to be broadly directed to treatment of infection so as to be directed to compositions that can be used to treat infections in any manner whether for prevention or therapeutic. Accordingly, the

rejections of record should be withdrawn, and each pending claim should be indicated to be allowable.

Applicants respectfully submit that the claim amendments presented herein have been made to advance prosecution of the application, and does not in any manner express Applicants' agreement or acquiescence with the rejections of record. In particular, Applicants respectfully submit that, for the reasons previously set forth by Applicants, claims 4, 6, 7-18, 20, 22 and 24-27 are not properly rejectable under 35 U.S.C. 112, first paragraph, because of the Examiner's assertion that the specification, while being enabling for therapeutic treatment of a microbial infection due to *Pseudomonas aeruginosa*, does not reasonably provide enablement for therapeutic and/or preventive treatment of microbial infections due to other microorganisms; claims 13-18, 26 and 27 are not properly rejectable as including preventive treatment; and claims 4, 6, 7-18, 20, 22 and 24-27 are not properly rejectable under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement..

In view of the above, the rejections of record should be withdrawn, and all of the pending claims indicated to be allowable.

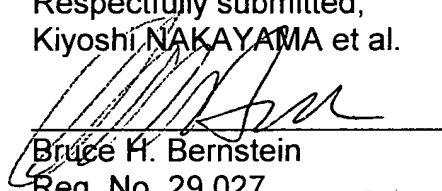
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections and rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early notification of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

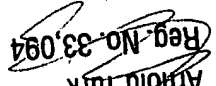
Respectfully submitted,
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September 6, 2005
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